

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - Commercial Taxes Department - Allegation of acquisition of Assets disproportionate to the known sources of income against Sri Kakarla Pullaiah, Assistant Commercial Tax Officer, Repalle, Guntur district - Failed to obtain prior permission while acquiring movable & immovable properties - Charges Proved - Punishment of 10% cut in pension for a period of one year - Show Cause Notice issued - Explanation submitted - Advice of A.P. Public Service Commission deviated - Orders - Issued

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 572

Dated:16-05-2014
Read the following:

1. From DC (CT) Guntur Division, Charges framed against Sri Kakarla Pullaiah, ACTO (Retd.), Dt.4.6.2007.
2. Written statement of defence of Sri K. Pullaiah, ACTO (Retd.), Dt.25.6.2007.
3. From A.C (CT), VMU-II, Guntur Division, Enquiry Report submitted, Dt.14.7.2010.
4. Dy. Commr. CT, Guntur Division, Rc. No. 165/05/A2, dated: 15.7.2010.
5. From Sri K. Pullaiah, ACTO (Retd.) representation dt: 23.8.2010.
6. From the Commissioner of Commercial Taxes, A.P, Hyderabad, and Letter No.V3/1067/2005, Dt: 19.10.2010.
7. Memo.No.37556/Vig.I (2)/2005-8,Dated.17.08.2011.
8. Explanation of Sri Kakarla Pullaiah, ACTO (Retd.), dt.30.11.2011.
9. Govt., Letter No.37556/Vig.I (2)/2005-15,Dated.18.11.2013.
10. From the Secretary, APPSC, Lr.No.2183/RT/3/2013, dt.3.3.2014.

In the reference 1st read above, the Deputy Commissioner (Commercial Taxes), Guntur has framed 10 charges against Sri K. Pullaiah, Assistant Commercial Tax Officer, Repalle, Guntur district for violation of APCS (Conduct) Rules, 1964 for not obtaining prior permission from the competent authority before acquiring movable and immovable assets in his name and family members and also not intimating the receipt of foreign currency by him etc and directed him to submit his written statement of defence. The Charged Officer has submitted his written statement of defence to the above charges in the reference 2nd read above. After examination of the matter, the Assistant Commissioner (Commercial Taxes), VMU-II, Guntur Division, was appointed as Inquiry Officer to inquire into the charges framed against the individual. In the reference 3rd read above, the Inquiry Officer submitted Inquiry report holding that, out of 10 charges framed against him, 6 charges are held proved.

2. In the reference 4th read above, the Deputy Commissioner (Commercial Taxes), Guntur Division has furnished a copy of the inquiry report to the Charged Officer directing him to submit his representation on the findings of Enquiry Officer. Accordingly, the Charged Officer has submitted his representation in the reference 5th read above. In the reference 6th read above, the Commissioner, Commercial Taxes, has forwarded the record of enquiry to the Government for taking action against the Charged Officer under A.P. Revised Pension Rules 1980, as the Charged Officer retired from service on attaining the age of superannuation on 31.01.2008.

P.T.O.,

3. Government, have examined the findings of Inquiry Officer and the representation of the Charged Officer. The Charged Officer has stated that his wife had purchased the property mentioned under charge - 4 by deploying her 'Streedhanam'. There is no proof adduced for this. Even in such a case he should have taken prior permission from the Government. The same is true in respect of charge-5. It is clear from the explanation of the Accused Officer that he did not inform the Government about the receipt of foreign currency mentioned under Charge-6 and 10. Similarly the contention of Delinquent Officer that he did not seek prior permission for purchase of the property cited under Charge-7 because of non - prescription of a proforma does not hold much water as he could have reported plain facts to Government. In the above circumstances, Government have provisionally decided to impose a punishment of 10% cut in pension for a period of one year on the Charged Officer for the 6 charges held proved, against him, under Rule 9 of A.P. Revised Pension Rules,1980. Accordingly, the above provisional decision was communicated to the individual directing him to submit his representation, vide reference 7th read above.

4. In the reference 8th read above, the Charged Officer has submitted his explanation to the Show Cause Notice. In his representation, while reiterating his replies point wise before the Enquiry Officer and depositions made before the Tribunal for Disciplinary Proceedings by the Prosecution side as well as Defence Side, he has stated that he had not violated the Conduct Rules or any other provisions and requested to drop further action against him.

5. Government, have examined the representation of the Delinquent Officer and observe that he failed to intimate the receipt of foreign currency within (15) days from the date of receipt of it, as required under Rule 6-A of the APCS (Conduct) Rules, 1964. He has intimated the same on 15.10.2003 and 25.02.2004 through APRs, though the same were received from his son and son-in-law during the period from 2001 to 2004 and that he has not produced any new grounds denying the other charges that are proved during the enquiry. Hence Government have decided to confirm the provisional decision to impose a punishment of 10% cut in pension for a period of one year on Sri K. Pullaiah, Assistant Commercial Tax Officer (Retd) for the six (6) charges that held proved.

6. In the reference 9th read above, proposal has been sent to the Secretary, A.P. Public Service Commission for obtaining the concurrence of the Commission on the decision of the Government to impose punishment of 10% cut in pension for a period of one year against Sri K. Pullaiah, Assistant Commercial Tax Officer (Retd) for taking further action in the matter.

7. In the reference 10th read above, the Secretary, A.P. Public Service Commission have stated that the Commission advised the Government to impose the punishment of 25% cut in pension permanently against Sri K. Pullaiah, Assistant Commercial Tax Officer (Retd) for violation of the APCS (Conduct) Rules. The advice of the A.P. Public Service Commission has been examined and as the punishment proposed by the A.P. Public Service Commission is disproportionate to the irregularity committed by him, Government have deviated from the advice tendered by the A.P. Public Service Commission in terms of business rule 32 (w) and decided to confirm the provisional decision to impose 10% cut in pension for a period of one year which is communicated to the charged officer in reference 7th read above.

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8. Now, the Government after careful examination of the matter and in exercise of the powers conferred under rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 of the A.P. Civil Services (CCA) Rules, 1991 hereby impose the punishment of 10% cut in pension for a period of one year, against Sri K. Pullaiah, Assistant Commercial Tax Officer (Retd). Copy of the advice of the A.P. Public Service Commission dt.3.3.2014, as required under Rule 23 of the A.P.C.S (CC&A) Rules, 1991 is herewith furnished to the individual.

9. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri K. Pullaiah, Assistant Commercial Tax Officer (Retd),
Repalle, Guntur District
through the Commissioner of Commercial Taxes, A.P. Hyderabad.

The Commissioner of Commercial Taxes, A.P. Hyderabad

Copy to:-

The Secretary to V.C., A. P. Vigilance Commission, Hyderabad.
The Director General, Anti Corruption Bureau, Hyderabad.
The Accountant General, A.P., Hyderabad.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The District Treasury Officer, Hyderabad District.
The Secretary, A.P. Public Service Commission, Hyderabad.
(with reference to Lr.No.2183/RT/3/2013, dt.03.03.2014).
The Revenue (CT.I) Department.
SF/SCs.

//Forwarded :: By Order //

SECTION OFFICER.